

ESTTA Tracking number: **ESTTA719769**

Filing date: **01/12/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216725
Party	Defendant Godswill H. Oletu DBA Zenithmart
Correspondence Address	GODSWILL H OLETU 370 W PLEASANTVIEW AVE STE 2-120 HACKENSACK, NJ 07601-8004 UNITED STATES oletu@oletu.com, ogodswill@yahoo.com, trademark@zenithmart.com
Submission	Other Motions/Papers
Filer's Name	Godswill Oletu
Filer's e-mail	oletu@oletu.com,ogodswill@yahoo.com,trademark@zenithmart.com
Signature	/1gho2kome3/
Date	01/12/2016
Attachments	Defendant Supplementary Filing - Undeliverable Emails.pdf(189965 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial
No. 86067598 Published in the Official Gazette
April 8, 2014.

ZENITH-MART INC.,

Opposer/Plaintiff,

v.

OLETU, GODSWILL H.

Applicant/Defendant.

Opposition No. 91216725

Mark: ZENITHMART

UNDELIVERABLE EMAILS

In line with the parties' consent agreement to service by e-mail and as contained in the Board's order of August 15, 2014; the defendant emailed his latest filings titled: "MOTION FOR JUDGEMENT UNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. § 2.120(h)", to the following email addresses of record, belonging to the Opposer/Plaintiff:

1. info@zenithmart.us

2. tmbiam@zenithmart.us

3. trademark@zenithmart.us

The defendant, wish to inform the Board that, all three email addresses are not functional and, all emails sent to them by the defendant, were returned undelivered (*see exhibits D01, D02 & D03*).

In addition to the above, the defendant also sent the motion papers to the below previously known email addresses of the Opposer/Plaintiff through which, the parties have discussed discoveries requests and responses in the past:

1. zenithmart@gmail.com
2. tochukwumbiamnozie@gmail.com

Emails sent to the above two Gmail addresses were not returned.

Further, the defendant mailed a courtesy copy of the original motion papers and the replacement motion papers and deposited them with the USPS on January 11, 2016 to the following address of record, belonging to the Opposer/Plaintiff:

Tochukwu Mbiamnozie
Zenith-Mart, Inc
30 Wall Street Floor 8
New York, NY 10005
United State of America.

Date: January 12, 2016.

Respectfully Submitted,

Signed: /1gho2kome3/
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

**DECLARATION OF APPLICANT IN SUPPORT OF
HIS MOTION FOR JUDGEMENT UNDER RULES 37 C.F.R. § 2.132 & 37 C.F.R. §
2.120(h)**

1. I am Mr. Godswill Oletu and I am the Applicant/Defendant in this proceeding and that, I am the Sole propriety and owner of Zenithmart.
2. I am fully familiar with the business records of Zenithmart and its use of the mark 'Zenithmart'
3. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently to these facts. . I submit this declaration on the basis of my own personal knowledge and in support of my Motion for Judgment.
4. Attached hereto as EXHIBITS D01, 02 & 03; are true and correct copies of the Mail Delivery errors email that Applicant received on January 11, 2016; when the Applicant sent the above titled motion to Plaintiff's email addresses of record (trademark@zenithmart.us ,tmbiam@zenithmart.us & info@zenithmart.us).

I declare under the penalty of perjury, under the laws of the United States of America that, the foregoing is true and correct.

Executed this 12th day of January, 2016 at Parsippany, New Jersey.

Respectfully Submitted,

Signed: /lgho2kome3/
Oletu, Godswill H. (Applicant, pro-se)
/d/b/a Zenithmart
370 W. Pleasantview Avenue, STE#2-120
Hackensack NJ 07054.

Exhibit D01.

STANCE Technology Solution Inc

From: "Mail Delivery System"
Date: Monday, January 11, 2016 8:41 PM
To: <oletu@oletu.com>
Attach: ATT00786.eml
Subject: Delivery Status Notification

[Return Code 554] sid: 4pg51s00B4q2A4s01 :: 5.7.1 <trademark@zenithmart.us>: Relay access denied

Exhibit D02.

STANCE Technology Solution Inc

From: "Mail Delivery System"
Date: Monday, January 11, 2016 9:17 PM
To: <oletu@oletu.com>
Attach: ATT00799.eml
Subject: Delivery Status Notification

[Return Code 554] sid: 4qGd1s0034q2A4s01 :: 5.7.1 <tmbiam@zenithmart.us>: Relay access denied

Exhibit D03.

STANCE Technology Solution Inc

From: "Mail Delivery System"
Date: Monday, January 11, 2016 9:19 PM
To: <oletu@oletu.com>
Attach: ATT00812.eml
Subject: Delivery Status Notification

[Return Code 554] sid: 4qHr1s00A4q2A4s01 :: 5.7.1 <info@zenithmart.us>: Relay access denied